

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:17CR145
	§	
SALVADOR PARRISH RODRIGUEZ-	§	
PULIDO	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 17, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Tony Martin. The Government was represented by Kevin McClendon.

Salvador Parrish Rodriguez-Pulido was sentenced on August 29, 2013, before the Honorable Diana Saldana of the Southern District of Texas after pleading guilty to the offense of Attempt to Smuggle Goods from the United States, in violation of 18 U.S.C. §§ 554 and 2, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 12 and a criminal history category of I, was 10 to 16 months. Salvador Parrish Rodriguez-Pulido was subsequently sentenced to 12 months and one day imprisonment followed by a 3-year term of supervised release subject to the standard conditions of release, plus special conditions to include 100 hours of community service, drug treatment and testing, vocational training, and a \$100 special assessment. On February 14, 2014, Salvador Parrish Rodriguez-Pulido completed his period of imprisonment and began service of the supervision term. On August 7, 2014, jurisdiction of this case was transferred to the Eastern

District of California. On August 10, 2017, jurisdiction of this case was transferred to the Eastern District of Texas.

On November 21, 2014, the U.S. Probation Officer in the Eastern District of California executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 3 Sealed]. The Petition in the Eastern District of California asserted that Defendant violated three (3) conditions of supervision, as follows: (1) *Unlawful Use of a Controlled Substance* - The Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. (2) *Unauthorized Travel* – The Defendant shall not leave the judicial district without permission of the court or probation officer; and (3) *Failure to Participate in Drug Testing as Directed* – Defendant shall participate in a program, inpatient or outpatient, for the treatment of drug and/or alcohol addiction, dependency or abuse which may include, but not limited to urine, breath, saliva, and skin testing to determine whether the Defendant has reverted to the use of drugs and/or alcohol. Further, the Defendant shall participate as instructed and as deemed necessary by the probation officer and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer.

The Petition in the Eastern District of California alleges that Defendant committed the following acts: (1) On October 28, 2014, the offender submitted a urine sample, which tested positive for Codeine and Morphine. The offender admitted taking pain medication that was not prescribed to him, in violation of Standard Condition Number 7; (2) On or about November 13, 2014, but prior to November 16, 2014, Mr. Rodriguez-Pulido traveled to Mexico without the prior authorization of the supervising probation officer or the Court in violation of Standard Condition

Number 1; and (3) On September 12 and 16, 2014, and November 13 and 18, 2014, the offender failed to report for random urine testing, in violation of the Special Condition.

Prior to the Government putting on its case, Defendant entered a plea of true to allegation (1), the Grade B violation, possession of codeine and morphine, a violation of Standard Condition 7 of the Petition. Having considered the Petition and the plea of true to allegation one (1), the Court finds that Defendant did violate his conditions of supervised release. Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months to be served consecutively to the term of imprisonment imposed in Cause Number 4:16CR34 with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility in El Reno, Oklahoma, if appropriate.

**SIGNED this 23rd day of August, 2017.**



---

Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE